Case 1:12-cv-12320-MLW Document 14 Filed 04/19/13 Page 1 of 1

Case 1:12-cv-12320-MLW Document 11 Filed 01/28/13 Page 1 of 6

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

CUMMINGS PROPERTIES, LLC,)
Plaintiff and Defendant in Counterclaim.) Civil Action No. 12-cv-12320-MLW
v.)
EMIGRANT BANK and LIFE SCIENCES CAPITAL, LLC,))
Defendants and Plaintiffs in Counterclaim.)

JOINT MOTION FOR AUTHORITY TO PAY FUNDS INTO COURT REGISTRY

To the Honorable Mark L. Wolf:

Cummings Properties, LLC ("Cummings"), together with Emigrant Bank ("Emigrant") and Life Sciences Capital, LLC ("LSC"), being all of the parties to the within action, hereby jointly request the entry of an Order authorizing the payment into the Court's registry of certain funds which are subject to the dispute among the parties in this case. In support of this request, the parties respectfully represent as follows:

Background

1. A primary dispute in the within case relates to the entitlement of the respective parties to proceeds of the sale of certain equipment formerly owned by Omnisonics Medical Technologies, Inc ("Omnisonics"). Omnisonics was an entity formerly engaged in the business of developing medical technology using sonic wave technology to clear arteries, and in the business of manufacturing and selling medical devices utilizing such technology. Omnisonics filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code ("Bankruptcy Code") on March 23, 2009 (the "Petition Date").

Noy. DJ Noy. DJ Amelia, 2013